

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE  
S/S Malvern Avenue, 610' E of  
the c/l of Bellona Avenue  
(1417 Malvern Avenue)  
9th Election District  
4th Councilmanic District  
Charles D. Mross, et ux  
Petitioners  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 91-239-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 20 feet in lieu of the required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of JUL, 1991 that the Petition for Residential Variance to permit a front yard setback of 20 feet in lieu of the required 30 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3 (2022, R.10) TO PERMIT A FRONT SETBACK OF 20 FT. IN LIEU OF THE REQUIRED 30 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty):

1. SIZE OF FAMILY (6) DICTATES NEED FOR LARGER DINING ROOM AND BEDROOM SIZE.
2. ONLY FEASIBLE PLACE TO EXPAND IS IN FRONT; BACKSIDE "DROPS OFF" QUICKLY.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name

Address

Name

Address

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.

ORDER RECEIVED FOR FILING

Date 1/24/91

ZONING COMMISSIONER OF BALTIMORE COUNTY

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 9th Date of Posting: 1-4-91  
Posted for: Residential Variance  
Petitioner: Charles D. Mross et ux  
Location of property: S/S Malvern Avenue, 610' E of the c/l of Bellona Avenue  
Location of Sign: Also part of 1417 Malvern Avenue  
Remarks: J. Robert Haines  
Posted by: J. Robert Haines Date of return: 1-11-91  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account # 0014130

91-239-4

Date

Please Make Checks Payable To: Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Cashier Validation

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

January 29, 1991

Mr. & Mrs. Charles D. Mross  
1417 Malvern Avenue  
Ruxton, Maryland 21204

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Malvern Avenue, 610' E of the c/l of Bellona Avenue  
(1417 Malvern Avenue)  
9th Election District - 4th Councilmanic District  
Charles D. Mross, et ux - Petitioners  
Case No. 91-239-A

Dear Mr. & Mrs. Mross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Redcliffe at 887-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at

1417 MALVERN AVE RUXTON, MD 21204  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. SIZE OF FAMILY (6) DICTATES NEED FOR LARGER DINING ROOM AND BEDROOM.
2. ONLY FEASIBLE PLACE TO EXPAND IS IN THE FRONT; BACKSIDE "DROPS OFF" QUICKLY.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Charles D. Mross  
AFFIANT (Handwritten Signature)

CHARLES D. MROSS  
AFFIANT (Printed Name)

Ellen K. Mross  
AFFIANT (Handwritten Signature)

ELLEN K. MROSS  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of December, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CHARLES D. AND ELLEN K. MROSS

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/19/90  
DATE

Notary Public

My Commission Expires: 8/15/94

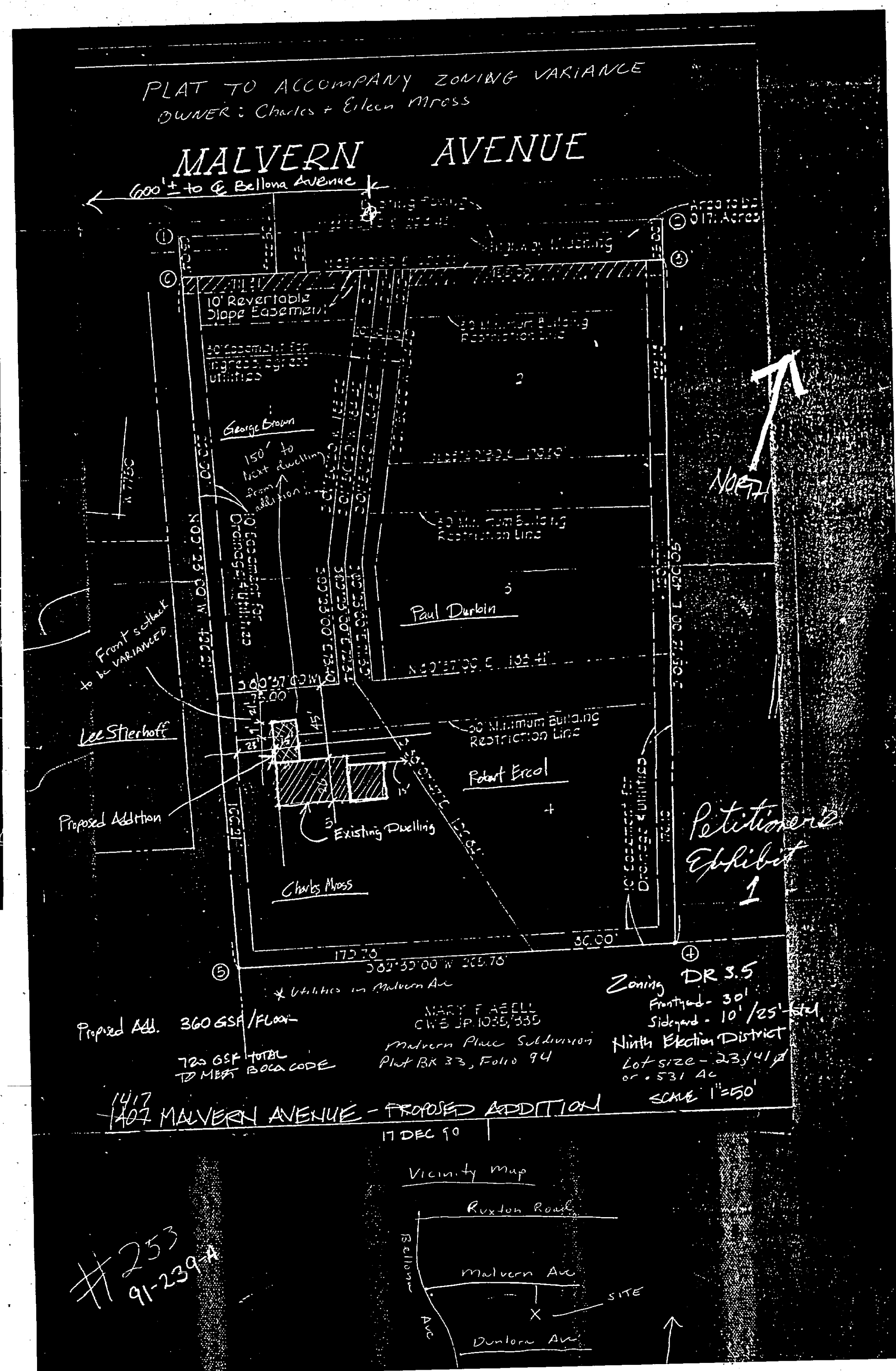
ITEM #253

91-239-A

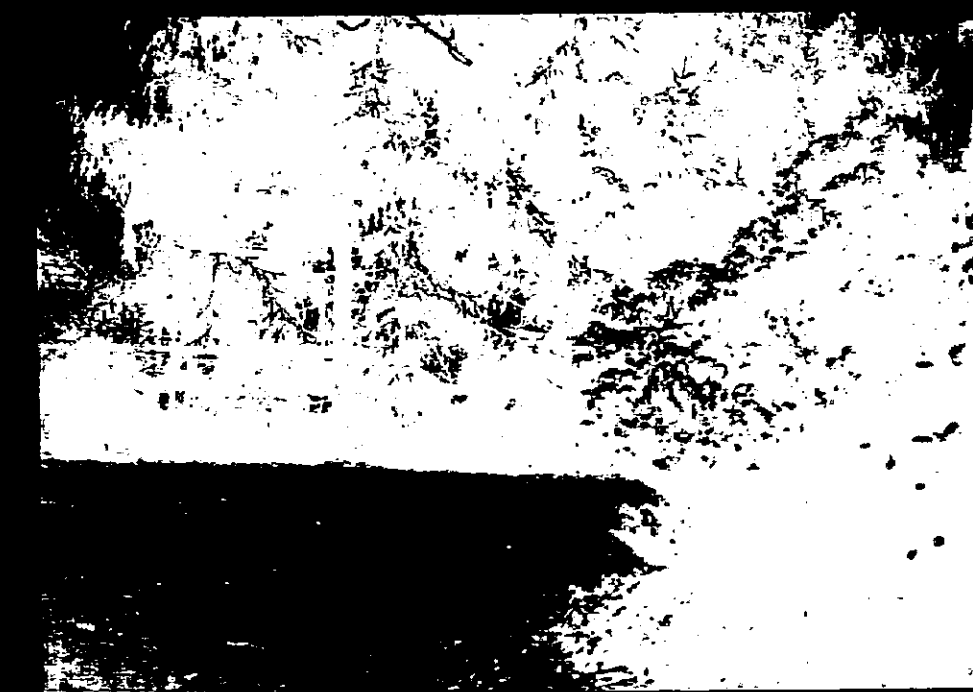
DESCRIPTION

Beginning on the south side of Malvern Avenue, 50 feet wide, at the distance of 610 feet east of the centerline of Bellona Avenue. Being Lot #5 of the subdivision of "Malvern Place", Plat Book 33, Folio 94. Also known as 1417 Malvern Avenue, containing .531 acre in the 9th Election District.





## CASE •



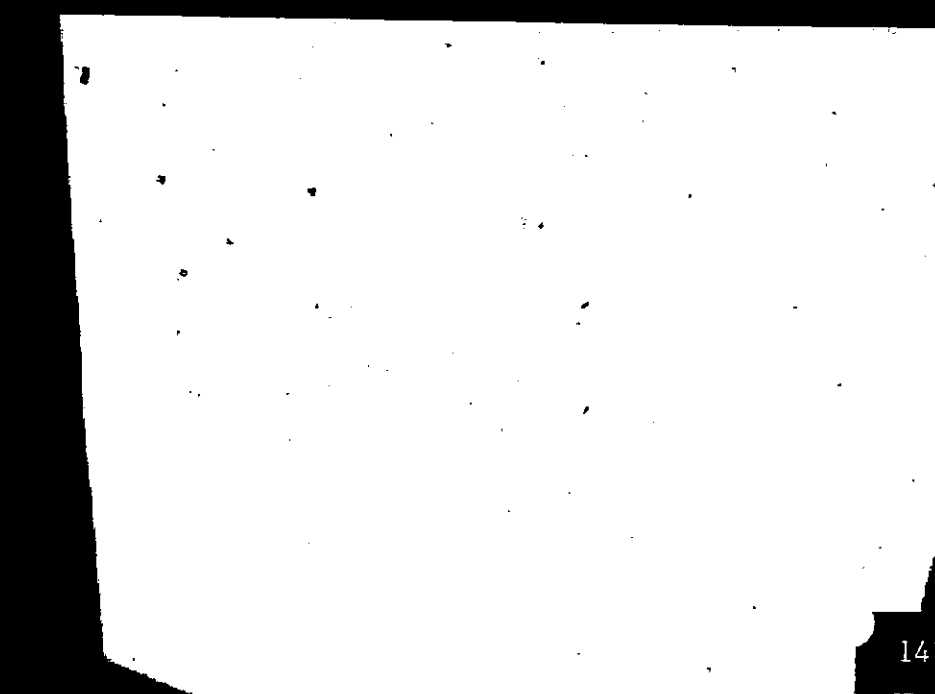
1417 Malvern Avenue  
Front - Facing back yard of  
Brown's House



1417 Malvern Avenue  
Facing West to Stierhoff's

PETITIONER'S EXHIBIT #2

## CASE •



1417 Malvern Avenue



1417 Malvern Avenue  
Front of House



PETITIONER'S EXHIBIT #3





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1966

LOCATION  
LAKE ROLAND  
RUXTON

SHEET

NW  
9-B

# 253  
91-239-A